

***United States Court of Appeals  
for the  
District of Columbia Circuit***



**TRANSCRIPT OF  
RECORD**



# TRANSCRIPT OF RECORD.

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## Court of Appeals, District of Columbia

OCTOBER TERM, 1907.

No. 1809.

**504**

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O. P. M. BROWN, APPELLANT,

*vs.*

EVA SLOCUM.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

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FILED JULY 18, 1907.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

OCTOBER TERM, 1907.

No. 1809.

O. P. M. BROWN, APPELLANT,

vs.

EVA SLOCUM.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA

INDEX.

	Original.	Print.
Caption .....	a	1
Summons.....	1	1
Marshal's return.....	1	2
Bill of particulars .....	2	2
Agreed statement of facts .....	3	2
Verdict for plaintiff.....	7	5
Judgment on verdict.....	7	5
Appeal.....	8	5
Citation.....	9	5
Memorandum : Appeal bond filed .....	10	6
Agreement as to record for Court of Appeals.....	10	6
Clerk's certificate.....	11	7

# In the Court of Appeals of the District of Columbia.

No. 1809.

O. P. M. BROWN, Appellant,

vs.

EVA SLOCUM.

*a* Supreme Court of the District of Columbia.

No. 49159. At Law.

EVA SLOCUM, Plaintiff,

vs.

O. P. M. BROWN, Trading as Citizens Loan & Trust Co., Defendant.

UNITED STATES OF AMERICA, *District of Columbia*, ss:

Be it remembered, That in the Supreme Court of the District of Columbia, at the city of Washington, in said District, at the times hereinafter mentioned, the following papers were filed and proceedings had in the above entitled cause, to wit:—

1 *Summons.*

Filed February 9, 1907.

Sam'l C. Mills, J. P., Sub-district No. 2, 1205 G Street N. W.

In Justice's Court of the District of Columbia.

49159. No. 9128.

EVA SLOCUM, Plaintiff,

vs.

O. P. M. BROWN, Trading as Citizens Loan & Trust Co., Defendant.

The President of the United States to the defendant above named,  
Greeting:

You are hereby summoned to appear in this Court on the 30th day of November, A. D. 1906, at 11 o'clock A. M., to answer the plaintiff's suit against you for \$48.60.

Given under my hand and seal this 28th day of November, A. D. 1906.

SAM'L C. MILLS, [SEAL.]  
*Justice of the Peace.*

*Marshal's Return.*

WASHINGTON, D. C., Nov. 28, 1906.

Summoned as within directed.

AULICK PALMER,

*U. S. Marshal,*

By CARLIN S. ESKRIDGE,

*Deputy Marshal.*

2

Endorsed :

WASHINGTON, D. C., January 26, 1904.

Judgment for Defendant for \$— debt on interest from — — —, — — —, with \$— cost.

R. H. TERRELL, *J. P.*, [SEAL.]  
Acting for S. C. MILLS, *J. P.**Bill of Particulars.*

Filed February 9, 1907.

In Justice's Court of the District of Columbia, Sub-district No. 2.

No. 49159.

EVA SLOCUM, Plaintiff,

*vs.*

O. P. M. BROWN, Trading as Citizens Loan &amp; Trust Co., Defendant.

To amount of unlawful interest received by defendant from  
plaintiff on loan made by defendant to plaintiff..... \$48.60

11-30 11 a. m.

3

*Agreed Statement of Facts.*

Filed June 4, 1907.

In the Supreme Court of the District of Columbia.

At Law. No. 49159.

EVA SLOCUM, Plaintiff,

*vs.*

O. P. M. BROWN, Trading as Citizens Loan &amp; Trust Co., Defendant.

It is hereby stipulated and agreed between counsel for the respective parties that for the purpose of this case the following facts shall be considered proved, and the case shall be submitted thereon to the court without a jury, as an agreed case.

That on the 31st day of October, 1905, the plaintiff made, signed and delivered to the defendant, a paper writing which reads as follows:

*Loan, Agreement, and Affidavit of Ownership.*

Miss Eva Slocum, single, hereby apply to Citizens Loan & Trust Co. for a loan of \$183.60 to be repaid in twelve equal installments, to be secured by a Deed of Trust upon certain personal property to be mentioned therein. I hereby agree to pay interest on said loan at the legal rate and to pay Citizens Loan & Trust Co. for services and expenses in investigating the application, in appraising the property, taking inventory of same, preparation of deed of trust, recording fees, and collecting payments, the sum of \$48.60 the said sum to be deducted from the loan.

Being first duly sworn, I depose and say that I am the true and lawful owner of the personal property on which the above loan referred to is made, the said property being located and described in a Deed of Trust of even date herewith, that there is no prior Deed of Trust, chattel mortgage, lease or lien of any kind against said personal property, whether recorded or unrecorded, remaining unsatisfied, but that the said property is free and clear from lawful claims of all persons whomsoever and that this affidavit is made for the purpose of securing the loan above referred to.

Signed, sealed and delivered this 31st day of October, 1905.

EVA SLOCUM. [SEAL.]

DISTRICT OF COLUMBIA, ss:

Subscribed and sworn to before me, a notary public, in and for the District of Columbia, this 31st day of October, 1905, and the subscribers being examined by me stated that they had read the foregoing agreement and acknowledged the same to be their act and agreement.

O. P. M. BROWN,  
Notary Public.

That the loan requested in the above application was granted and made on the 31st day of October, 1905, and as evidence thereof, the plaintiff signed and delivered to the defendant a note as follows:

\$183.60. No. 280. DISTRICT OF COLUMBIA, October 31, 1905.

For value received I promise to pay to the order of Citizens Loan & Trust Co. One Hundred eighty-three and 66/100 Dollars in the following manner, to wit:

\$15.30 January 4, 1906	\$15.30 July 4, 1906
\$15.30 February 4, 1906	\$15.30 August 4, 1906
\$15.30 March 4, 1906	\$15.30 September 4, 1906
\$15.30 April 4, 1906	\$15.30 October 4, 1906
\$15.30 May 4, 1906	\$15.30 November 4, 1906
\$15.30 June 4, 1906	\$15.30 December 4, 1906

At any place designated by the holder hereof with interest at the rate of six per centum per annum after maturity until paid.

PROVIDED, THAT UPON DEFAULT IN PAYMENT OF ANY INSTALLMENT WHEN DUE THE WHOLE AMOUNT OF THIS NOTE THEN UNPAID SHALL BE AND BECOME IMMEDIATELY DUE AND PAYABLE.

Address: The Franconia.

Sign here: EVA SLOCUM.

Address: 918 18th St., N. W.

Sign here: ——— ———.

That at the time said loan was made the defendant deducted and retained therefrom the sum of \$48.60 as provided for in said application. That said \$48.60 was a charge made by the defendant as a commission for making said loan, which, under the law in force in the District of Columbia, is usury. That the payments provided for by said note were all paid by the plaintiff, at the times provided in said note. That this suit, as shown by the "Bill of Particulars" is to recover from the defendant the \$48.60 paid to him by the plaintiff, by reason of the aforementioned transaction, in excess of the sum actually received by the plaintiff from the defendant.

That the only defense of the defendant is that set forth in a written plea filed herein, as follows:

In the Justice's Court of the District of Columbia, Sub-district No. 2.

49159.

EVA SLOCUM

vs.

O. P. M. BROWN.

*Plea.*

Comes now the defendant and for his plea to the suit filed herein says that the payment complained of as usurious by the plaintiff occurred more than a year prior to the institution of this suit and is barred by limitation in accordance with provisions of Sec. 1181 of the Code.

O. P. M. BROWN, *Defendant.*

June 4, 1907.

BIRNEY & WOODARD,

*Att'ys for Plaintiff.*

HOWARD BOYD,

*Att'y for Defendant.*

7

Supreme Court of the District of Columbia.

FRIDAY, June 14th, 1907.

Session resumed pursuant to adjournment, Hon. Thomas H. Anderson, Justice presiding.

\* \* \* \* \*



Before Judge Barnard.

No. 49159. At Law.

EVA SLOCUM

vs.

O. P. M. BROWN, Trading as Citizens Loan & Trust Co., Def't.

Come now the parties hereto by their respective attorneys of record, and by their stipulation filed herein, waive trial by jury and agree to submit this case to the Court upon the agreed statement of facts filed herein, whereupon after consideration thereof, the Court finds in favor of the plaintiff for the sum of Forty-eight Dollars and sixty cents; whereupon, it is considered and adjudged, that the plaintiff herein recover of defendant herein, the sum of Forty-eight Dollars and sixty cents, with interest thereon from this date, together with costs of suit to be taxed by the Clerk, and have execution thereof.

8 *Notice of Appeal.*

Filed June 21, 1907.

In the Supreme Court of the District of Columbia, Holding a Law Court.

At Law. No. 49159.

EVA SLOCUM, Plaintiff,

vs.

O. P. M. BROWN, Defendant.

Now comes the defendant, O. P. M. Brown, and appeals to the Court of Appeals of the District of Columbia from the judgment rendered herein.

HOWARD BOYD,  
*Attorney for Defendant.*

9 Filed Jun- 24, 1907. J. R. Young, Clerk.

In the Supreme Court of the District of Columbia.

At Law. No. 49159.

EVA SLOCUM

vs.

O. P. M. BROWN, Trading as Citizens Loan & Trust Co.

The President of the United States to Eva Slocum, Greeting:

You are hereby cited and admonished to appear at a Court of Appeals of the District of Columbia, upon the docketing the cause

therein, under and as directed by the Rules of said Court, pursuant to an Appeal filed in the Supreme Court of the District of Columbia, on the 21<sup>st</sup> day of June, 1907, wherein O. P. M. Brown, is Appellant, and you are Appellee, to show cause, if any there be, why the Judgment rendered against the said Appellant, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Harry M. Clabaugh, Chief Justice of the Supreme Court of the District of Columbia, this 21<sup>st</sup> day of June in the year of our Lord one thousand nine hundred and seven.

[Seal Supreme Court of the District of Columbia.]

J. R. YOUNG, *Clerk*,  
By ALF. G. BUIRMAN, *Asst. Clk.*

Service of the above Citation this 22 day of June, 1907.

A. A. BURNEY,  
*Attorney for Appellee.*

[Endorsed:] No. 49159. Law. *Equity*. Slocum vs. Brown. Citation. Issued —, 190—. Served cop- of the within Citation on —, —, Marshal. Howard Boyd, Attorney for Appellant. Filed Jun- 24, 1907. John R. Young, Clerk.

10

*Memorandum.*

June 27, 1907.—Appeal bond filed.

*Agreement as to Record for Court of Appeals.*

Filed July 5, 1907.

In the Supreme Court of the District of Columbia.

Law. No. 49159.

EVA SLOCUM, Plaintiff,  
vs.  
O. P. M. BROWN, Defendant.

It is hereby stipulated and agreed by and between counsel for the respective parties to the above entitled cause that the record for the Court of Appeals shall consist of the summons issued by the justice of the peace; the bill of particulars filed by the plaintiff; the agreed statement of facts; the appeal; the citation; and all proceedings had in the Supreme Court of the District of Columbia in said cause; and the Clerk is hereby requested to prepare transcript for such record in accordance with the Rules of the Court of Appeals.

HOWARD BOYD,  
*Att'y for Brown.*  
BIRNEY & WOODARD,  
*Att'ys for Eva Slocum.*

11 Supreme Court of the District of Columbia.

UNITED STATES OF AMERICA, *District of Columbia*, ss :

I, John R. Young, Clerk of the Supreme Court of the District of Columbia, hereby certify the foregoing pages, numbered from 1 to 10, both inclusive, to be a true and correct transcript of the record, according to directions of counsel herein filed, copy of which is made part of this transcript, in cause No. 49159, at Law, wherein Eva Slocum, is plaintiff, and O. P. M. Brown, trading as Citizens Loan & Trust Co., is Defendant, as the same remains upon the files and of record in said Court.

In testimony whereof, I hereunto subscribe my name and affix the seal of said Court, at the city of Washington, in said District, this 18th day of July, A. D., 1907.

[Seal Supreme Court of the District of Columbia.]

JOHN R. YOUNG, *Clerk*.

Endorsed on cover: District of Columbia Supreme Court. No. 1809. O. P. M. Brown, appellant, vs. Eva Slocum. Court of Appeals, District of Columbia. Filed Jul- 18, 1907. Henry W. Hodges, clerk.